

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity  
as SECRETARY OF THE U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et al.

Defendants.

Case No. 1:25-Civ-00196

**PLAINTIFF STATES' OPPOSITION TO DEFENDANTS' MOTION  
TO SET EXPEDITED BRIEFING SCHEDULE**

Defendants' Motion for Expedited Briefing Schedule, ECF No. 79, coupled with their request for an expedited judgment on their Motion to Vacate the Injunction, ECF No. 78 at 1, fail to show good cause to expedite and should be denied.

First, any urgency should have and could have been raised by Defendants before July 17 at 11:30pm. As recently as July 15—two days before filing the at-issue motions—Defendants signed a joint status report, ECF No. 77, that included no mention of the Supreme Court's short orders in *McMahon v. New York*, No. 24A1203, 2025 WL 1922626 (July 14, 2025), or *Trump v. American Federation of Government Employees*, No. 24A1174, 2025 WL 1873449 (July 8, 2025). Instead, the joint status report included an agreed-upon July 25 deadline for Plaintiffs to respond to Defendants' already pending motion to modify the injunction, ECF No. 75. The order in *McMahon v. New York* was issued on Monday, yet Defendants then waited four business days to move to vacate the injunction altogether and create an accelerated, nonsensical timeline where Plaintiffs would respond to a motion to vacate the injunction on Monday, July 21, with a separate response to the motion to modify the injunction due on Friday, July 25. Defendants did not contact

Plaintiffs' counsel to coordinate this new briefing schedule, and their concerns should have been raised in the July 15 Joint Status Report.

Moreover, Defendants provide only a fig-leaf in attempt to show good cause exists to expedite their motion. They say only that "[g]ood cause supports" the motion because it would "permit the careful but expeditious presentation of the issues." ECF No. 79 at 1. But this is obviously circular and amounts to an assertion that expediting the motion is justified by good cause because it would be expeditious. Failure to show good cause is sufficient basis to deny a motion to expedite. *See Jensen v. Biden*, No. 4:21-CV-5119-TOR, 2021 WL 10280381 at \*1 (W.D. Wash. Oct. 19, 2021). And here, as described above, granting the motion would prejudice Plaintiffs by overturning the reasonable expectations set during negotiation of the Joint Status Report.

Therefore, Plaintiffs request that the Court deny Defendants' Motion to Set Expedited Briefing Schedule. ECF No. 79. Further, Plaintiffs request the Court set a deadline for Plaintiffs to file its response to both Defendants' Motion to Vacate, ECF No. 78, and Motion to Modify, ECF No. 75, on Friday, July 25, 2025.

Dated: July 18, 2025

Respectfully submitted,

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